

1 TIFFANY & BOSCO, P.A.
2 Gregory L. Wilde, Esq.
3 Nevada Bar No. 004417
4 212 South Jones Boulevard
5 Las Vegas, Nevada 89107
6 Telephone: 702 258-8200
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8 HSBC Bank USA, National Association, as Trustee for MLMI 2006-AF2
9 08-75337

10 **UNITED STATES BANKRUPTCY COURT**
11 **DISTRICT OF NEVADA**
12

13 In Re:

08-24208-bam

14 Jeffrey Pascua Abad and Grace Cabico Abad

Order No.: 80

15 Debtors

Chapter 13

16 **DECLARATION RE BREACH OF CONDITION**

17 STATE OF South Carolina)
18)ss.
19 COUNTY OF York)

20 I, Teresa J. Williams, under the penalty of perjury of the United States, declare and state:

21 1. As to the following facts, I know them to be true of my personal knowledge, and if called
22 upon to testify in this action, I could and would testify competently thereto.

23 2. I am an employee of Wells Fargo, Secured Creditor herein, and am most familiar with the
24 loan and the bankruptcy case.

25 3. The real property subject to the Deed of Trust is commonly described as 5129 Ruby Sunset
26 St., North Las Vegas, NV 89081 and legally described as follows:

Lot 56, of R AND S ALEXANDER II, as shown by Map thereof on File in Book 127 of Plats, Page 41, in the Office of the County Recorder of Clark County, Nevada.

1 4. I have examined the document entitled "Order Regarding Adequate Protection", a copy of
2 which is attached hereto and marked as Exhibit "A" and incorporated herein by reference. I represent my
3 personal knowledge as to whether the Debtors have complied with the requirements of said Order.

4 5. Pursuant to the aforementioned Order, the Debtors would have fifteen (15) days from the
5 date of this Declaration in which to cure the delinquencies due. If upon the 16th day, Debtors failed to so
6 cure those delinquencies, the automatic Stay Order would be vacated and extinguished as to this Secured
7 Creditor.

8 6. As of the date of this Declaration, the Debtors have not made the payments as required by
9 the aforementioned Order. The Debtors are presently past due as follows:

10 2 Monthly Payment(s) at \$2,237.85	\$4,475.70
11 (July 1, 2011 - August 1, 2011)	
12 Attorneys Fees	\$100.00
Suspense Amount	(\$97.51)
Total	\$4,478.19

13
14 7. Debtors are responsible for the subsequent payments that will come due during this
15 Breach period:

- 16 a. 0 Monthly Payments
17 b. 0 Stipulated payments

18 **PARTIAL TENDERS WILL NOT BE ACCEPTED**

19 8. Due to Debtors' failure to timely and properly comply with the Order as set forth
20 hereinabove, Secured Creditor has been forced to incur additionally attorneys' fees to obtain relief from the
21 Stay Order to take possession of its real property.


22 9. These attorneys' fees are in addition to attorneys' fees incurred prior to the non-compliance
23 and are now owing to Secured Creditor from Debtors pursuant to the Deed of Trust.
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10. Should the Debtor cure the default, the Debtors must forward the funds to:

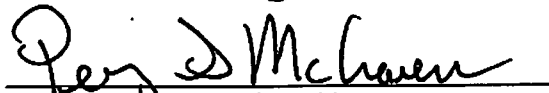
GREGORY L. WILDE, ESQ.
TIFFANY & BOSCO, P.A
212 South Jones Boulevard
Las Vegas, Nevada 89107

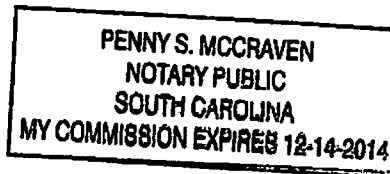
I declare under penalty of perjury that the foregoing is true and correct.


Teresa J. Williams

VP Loan Documentation

SUBSCRIBED and SWORN to before me
this 15 day of Aug, 2011


Notary Public in and for said
State and County





Entered on Docket
November 17, 2010

Bruce A. Markell

Hon. Bruce A. Markell
United States Bankruptcy Judge

WILDE & ASSOCIATES
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Las Vegas, Nevada 89107
Telephone: 702 258-8200
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America's Servicing Company
08-75337

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Jeffrey Pascua Abad and Grace Cabico Abad

Debtors.

BK-S-08-24208-bam

MS Motion No. 73

Date: November 16, 2010

Time: 1:30 p.m.

Chapter 13

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefore,

EXHIBIT "A"

1 **IT IS HEREBY ORDERED, ADJUDGED and DECREED** that the debtors will cure the
 2 post-petition arrearages currently due as follows:

3	3 Monthly Payments at \$2,274.40	\$6,823.20
4	(August 1, 2010 - October 1, 2010)	
5	3 Late Charges at \$97.51	\$292.53
6	(August 1, 2010 - October 1, 2010)	
7	Motion for Relief Filing Fee	\$150.00
8	Attorneys Fees	\$650.00
9	Total	\$7,915.73

10 The total arrearage shall be paid in six monthly installments. Payments one
 11 through five (1-5) in the amount of \$1,319.29 shall be in addition to the regular monthly payment
 12 and shall be due on or before the 20th day of the month commencing with the November 20,
 13 2010 payment and continuing throughout and concluding on or before March 20, 2010. The sixth
 14 final payment in the amount of \$1,319.28 shall be paid on or before April 20, 2010.

15 **IT IS FURTHER ORDERED, ADJUDGED and DECREED** that the Secured Creditor
 16 shall give Debtors at least fourteen business days' notice of the time, place and date of sale.

17 **IT IS FURTHER ORDERED, ADJUDGED and DECREED** that the Debtors shall resume
 18 and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan,
 19 beginning with the November 1, 2010, payment, on Secured Creditor's Trust obligation,
 20 encumbering the subject Property, generally described as 5129 Ruby Sunset St. , North Las Vegas,
 21 NV 89081, and legally described as follows:


22 Lot 56, of R AND S ALEXANDER II, as shown by Map thereof on File in Book 127 of
 23 Plats, Page 41, in the Office of the County Recorder of Clark County, Nevada.

24 **IT IS FURTHER ORDERED, ADJUDGED and DECREED** that if the Debtors fail to make
 25 any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured
 26 Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file
 and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of
 Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an
 attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth
 (16th) day Debtors have failed to cure the delinquency, then Secured Creditor may submit to this
 Court an Order vacating the automatic stay as to Secured Creditor, and Secured Creditor may

thereafter proceed with foreclosure proceedings upon the subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete possession thereof.

Submitted by:

WILDF & ASSOCIATES

By 
GREGORY L. WILDE, ESQ.
Attorneys for Secured Creditor
212 South Jones Boulevard
Las Vegas, Nevada 89107

APPROVED AS TO FORM & CONTENT:

Kathleen A Leavitt

By  11/8/10

Kathleen A Leavitt
Chapter 13 Trustee
201 Las Vegas Blvd., So. #200
Las Vegas, NV 89101

Philip K. Goldstein

By 

Philip K. Goldstein
Attorney for Debtors
609 S. 7th Street
Las Vegas, NV 89101

Nevada Bar No. 4275

1 In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately
2 reflects the court's ruling and that (check one):

3 ☐ The court has waived the requirements set forth in LR 9021(b)(1).

4 ☐ No party appeared at the hearing or filed an objection to the motion.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and
6 any unrepresented parties who appeared at the hearing, and each has approved or
7 disapproved the order, or failed to respond, as indicated below [list each property and
8 whether the party has approved, disapproved, or failed to respond to the document]:

9 ☒ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the
10 motion pursuant to LR 9014(g), and that no party has objected to the form or content of the
11 order.

12 Debtor's counsel:

13 ☒ approved the form of this order ☐ disapproved the form of this order

14 ☐ waived the right to review the order and/or ☐ failed to respond to the document

15 ☐ appeared at the hearing, waived the right to review the order

16 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

17 Trustee:

18 ☒ approved the form of this order ☐ disapproved the form of this order

19 ☐ waived the right to review the order and/or ☐ failed to respond to the document

20 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
21 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented
22 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to
23 respond, as indicated below.

24 Debtor's counsel:

25 ☐ approved the form of this order ☐ disapproved the form of this order

26 ☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ appeared at the hearing, waived the right to review the order

☐ matter unopposed, did not appear at the hearing, waived the right to review the order

Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor

1 TIFFANY & BOSCO, P.A.
2 Gregory L. Wilde, Esq.
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8 HSBC Bank USA. National Association, as Trustee for MLMI 2006-AF2
9 08-75337

10 **UNITED STATES BANKRUPTCY COURT**
11 **DISTRICT OF NEVADA**

12 In Re:	08-24208-bam
13 Jeffrey Pascua Abad and Grace Cabico Abad	Order No.
14 Debtors.	Chapter 13

15 **CERTIFICATE OF MAILING OF**
16 **DECLARATION RE BREACH OF CONDITION**

17
18 1. On 8/17/11 I served the following documents(s):

19 *DECLARATION RE BREACH OF CONDITION*

20
21 2. I served the above-named document(s) by the following means to the persons as listed below:

22 **X a. ECF System**

23 Philip K. Goldstein
24 pkgltdnv@aol.com
25 Attorney for Debtors

26 Kathleen A Leavitt
courtsecf3@las13.com
Trustee

X b. United States mail, postage fully prepaid:

Jeffrey Pascua Abad and Grace Cabico Abad
5129 Ruby Sunset St.
North Las Vegas, NV 89081
Debtors

☐ **c. Personal Service** (List persons and addresses. Attach additional paper if necessary)

I personally delivered the document(s) to the persons at these addresses:

☐ 1. For a party represented by an attorney, delivery was made by handing the document(s) to the attorney's office with a clerk or other person in charge, or if no one is charge by leaving the document(s) in a conspicuous place in the office.

N/A

☐ 2. For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

N/A

☐ **d. By direct mail (as opposed to through the ECF System)**

(List persons and email addresses. Attach additional paper if necessary)

Based upon the written assignment of the parties to accept service by email or a court order. I caused the document(s) to be sent to the persons at the mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ **e. By fax transmission** *(List persons and fax numbers. Attach additional paper if necessary)*

Based upon the written assignment of the parties to accept service by fax transmission or a court order. I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

1 ☐ **f. By messenger** *(List persons and addresses. Attach additional paper if necessary)*
2

3 I served the document(s) by placing them in an envelope or package addressed to the
4 persons at the addresses listed below and providing them to a messenger for service.
5 *(A declaration by the messenger must be attached to this Certificate of Service).*
6

7 **I declare under penalty of perjury that the foregoing is true and correct.**

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9 Signed on : _____
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